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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,297	11/14/2003	Tong-Ming Lee	15436.188	1133

22913 7590 03/22/2007

WORKMAN NYDEGGER  
(F/K/A WORKMAN NYDEGGER & SEELEY)  
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EXAMINER
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FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2137

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/713,297		LEE ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Courtney D. Fields		2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>23 August 2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-41 are pending.

#### ***Information Disclosure Statement***

2. The Information Disclosure Statement respectfully submitted on 23 August 2004 has been considered by the Examiner.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Nyman et al. (Pub No. 2003/0037033).

Referring to the rejection of claims 1 and 25, Nyman et al. discloses a network analyzer for use in a computer network having wireless components providing encrypted data transmission and having at least two wireless access points with different encryption keysets, said network analyzer comprising:

at least one wireless card adapted to receive encrypted data on one or more channels that said at least two wireless access points are using; (See page 8, Section 0088)

and a single keyset profile stored in a data store, said single keyset profile having a plurality of encryption keysets, each encryption keyset being used to decrypt encrypted data received from a different access point of said at least two wireless access points, said keyset profile being used to decrypt all of said encrypted data without having to manually enter a key or keyset information into said analyzer (See page 8, Section 0094)

Referring to the rejection of claims 2 and 26, Nyman et al. discloses the claimed limitation wherein said encrypted data is stored in non-volatile memory before said data is decrypted (See page 8, Section 0094)

Referring to the rejection of claims 3 and 31, Nyman et al. discloses the claimed limitation wherein each access point of said at least two access points utilizes a unique keyset, wherein said profile contains each unique keyset (See page 19, Section 0185)

Referring to the rejection of claims 4 and 32, Nyman et al. discloses the claimed limitation wherein said single keyset profile comprises a plurality of encryption keysets with each encryption keyset comprising at least two keys (See page 19, Section 0188)

Referring to the rejection of claims 5 and 33, Nyman et al. discloses the claimed limitation wherein each of said access points operates on a different AP channel (See page 9, Section 0101)

Referring to the rejection of claims 6 and 34, Nyman et al. discloses the claimed limitation wherein said at least one wireless card receives encrypted data from each of said access point channels for a period of time (See page 9, Section 0097)

Referring to the rejection of claims 7 and 30, Nyman et al. discloses the claimed limitation wherein said at least one wireless card alternately receives encrypted data from each of said access points until said at least one wireless card receives a defined quantity of encrypted data from each of said access points (See page 8, Section 0088)

Referring to the rejection of claim 8, Nyman et al. discloses the claimed limitation wherein said data store is either volatile or non-volatile memory (See page 15, Section 0152)

Referring to the rejection of claims 9 and 27, Nyman et al. discloses the claimed limitation wherein said encrypted data is stored in a data buffer before being stored in said data store (See page 15, Section 0153)

Referring to the rejection of claims 10 and 28, Nyman et al. discloses the claimed limitation wherein said analyzer decrypting said encrypted data received by said at least one wireless card using each of said plurality of encryption keysets in sequence until all of said encrypted data has been decrypted (See page 8, Section 0094)

Referring to the rejection of claims 11 and 37, Nyman et al. discloses the claimed limitation wherein each of said keysets uses at least 64 bit encryption (See page 19, Section 0187)

Referring to the rejection of claims 12 and 38, Nyman et al. discloses the claimed limitation wherein each of said keysets uses at least 128 bit encryption (See page 19, Section 0187)

Referring to the rejection of claims 13 and 40, Nyman et al. discloses the claimed limitation wherein said profile is stored internally in the network analyzer (See page 19, Section 0191)

Referring to the rejection of claims 14 and 41, Nyman et al. discloses the claimed limitation wherein said profile is encrypted (See page 8, Section 0094)

Referring to the rejection of claim 15, Nyman et al. discloses in a computer network having wireless components providing encrypted data transmission and receipt and comprising at least two wireless access points, said network having a different encryption keyset for each of said at least two access points, said computer network further comprising at least one computer being connected to said network by a wireless network card and having an analyzer module, a method for decrypting data captured by said wireless network card from at least one of said at least two access points, said method comprising:

a step for establishing a keyset profile accessible by the analyzer module, said keyset profile having all keysets being used by any of said at least two access points; (See page 8, Section 0094)

a step for receiving encrypted data from at least one of said at least two access points and saving said encrypted data to a data store; (See page 8, Section 0094)

and a step for decrypting said data in said data store using said keyset profile, wherein said data is decrypted without manually entering keys or keyset information (See page 8, Section 0094)

Referring to the rejection of claim 16, Nyman et al. discloses the claimed limitation wherein said step for saving said encrypted data further includes a step of saving said encrypted data to a data buffer before saving said data in said data store (See page 15, Section 0153)

Referring to the rejection of claim 17, Nyman et al. discloses the claimed limitation wherein comprising a step for analyzing said decrypted data to identify any encrypted data (See page 8, Section 0094)

Referring to the rejection of claim 18, Nyman et al. discloses the claimed limitation wherein comprising a step for decrypting said encrypted data using a second keyset associated with said keyset profile (See page 8, Section 0094)

Referring to the rejection of claim 19, Nyman et al. discloses the claimed limitation wherein comprising a step for repeatedly analyzing and decrypting said encrypted data until said encrypted data is completely decrypted (See page 8, Section 0094)

Referring to the rejection of claim 20, Nyman et al. discloses the claimed limitation wherein said step for repeatedly analyzing and decrypting is performed without input from a user of said analyzer module (See page 8, Section 0093)

Referring to the rejection of claim 21, Nyman et al. discloses the claimed limitation wherein comprising a step for selecting said keyset profile for said at least two wireless access points (See page, 18, Section 0184)

Referring to the rejection of claim 22, Nyman et al. discloses the claimed limitation wherein comprising a step for accessing said keyset profile at a location of said computer network remote from said analyzer module (See page 5, Section 0041)

Referring to the rejection of claim 23, Nyman et al. discloses the claimed limitation wherein said keyset profile is stored in an encrypted form and further comprising a step for decrypting said keyset profile and storing a decrypted version of said keyset profile local to said analyzer module (See page 8, Section 0094)

Referring to the rejection of claim 24, Nyman et al. discloses the claimed limitation wherein comprising a step for displaying said decrypted data through at least one user interface (See page 8, Section 0093)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.




Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
cdf

March 18, 2007

  
MATTHEW SMITHERS  
PRIMARY EXAMINER  
Art Unit 2137